

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

LISA BARBOUNIS,	:	NO. 2:19-cv-05030-JDW
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
THE MIDDLE EAST FORUM, et al.	:	
	:	
Defendant.	:	
	:	

**MOTION FOR RECONSIDERATION OF THE DECEMBER 4, 2020
ORDER THAT HOLDS PLAINTIFF IS RESPONSIBLE FOR ATTORNEY’S
FEES FOR THE PREPARATION AND EXAMINATION OF ANY
WITNESSES FOR DEPOSITIONS IF THEY HAVE TO BE REOPENED**

Defendant, Lisa Reynolds-Barbounis hereby moves the Court pursuant to Federal Rule of Civil Procedure 59(e)1 and Local Civil Rule 7.1(g), for reconsideration of this Court’s December 4, 2020 Order compelling Defendant, Lisa-Reynolds-Barbounis to:

“If the Court determines that good cause exists to reopen a deposition, Plaintiff shall pay Defendants’ reasonable fees and costs associated with the reopened deposition, including reasonable time for counsel to prepare and take the deposition and the cost of the transcript.” (Document – 85).

While the Court has not yet Ordered that any deps be reopened, or that Plaintiff is responsible for attorney’s fees, Plaintiff files this Motion for Reconsideration to prevent a manifest injustice. Accord General Instrument Corp of Delaware. v. Nu-Tek Elecs. & Mfg., Inc., 3 F. Supp. 2d 602, 606 (E.D. Pa. 1998), aff’d., 197 F.3d 83 (3d Cir. 1999).

Defendants have demonstrated a clear propensity to use the Court’s inherent power to issues sanctions as a weapon to be wielded against Plaintiff. Defendants attempted to obtain

almost \$10,000 for filing a 13-page motion and attend a 90-minute hearing. The Court's Order will improperly shift fees. Moreover, there is no argument that Defendants can make to suggest that they did not have opportunity to depose all relevant witnesses. Any witnesses that Defendants did not depose cannot be attributed to any supposed discovery violations but to their own dilatory conduct.

Plaintiff also requests the Court reconsider its Order to compel the party who does not prevail on a motion to pay the fees for the opposing party:

“The Court will award fees to the party who prevails on any such motion.”
(Document – 85).

This part of the Court's Order implicates due process and denies a party a fair chance as presenting arguments to the Court. A party is able to present a good faith argument to the Court and still not prevail. This part of the Order would restrict, inhibit, and have a chilling effect on a party's choice to honestly argue a motion for fear of losing and being penalized simply for presenting an argument. Plaintiff suggests this part of the Court's Order to be an abuse of discretion as if Courts were able to penalize parties simply for presenting an argument to the Court it would have a detrimental affect on the entire justice system.

WHEREFORE, Plaintiff respectfully requests that the Court reconsider the above to parts of the December 4, 2020 Order.

BY: /s/ Seth D. Carson
Seth D. Carson, Esquire
Derek Smith Law Group, PLLC
1835 Market Street, Suite 2950
Philadelphia, PA 19103
Phone: 215.391.4790
Email: Seth@ DerekSmithLaw.com
Counsel for Plaintiff

DATED: December 19, 20

CERTIFICATE OF SERVICE

I hereby certify that on this date that I caused a true and correct copy of Plaintiff's Motion Defendants to be served via ECF.

David J. Walton (PA # 86019)
Leigh Ann Benson (PA #319406)
Cozen O'Connor
1650 Market Street, Suite 2800
Philadelphia, PA 19103
P: 215-665-2000
F: 215-665-2013
dwalton@cozen.com
lbenson@cozen.com

Sidney L. Gold sgold@discrimlaw.
Sidney L. Gold & Associates P.C.
1835 Market Street, Suite 515
Philadelphia, PA 19103
Tel: (215) 569-1999
Fax: (215) 569-3870
Counsel for The Middle East Forum

DEREK SMITH LAW GROUP, PLLC

BY: /s/ Seth D. Carson
SETH D. CARSON
Derek Smith Law Group, PLLC
1835 Market Street
Suite 2950
Philadelphia, PA 19103
Phone: 215.391.4790
Facsimile: 215.893.5288
Email: Seth@DerekSmithLaw.com

DATED: December 19, 2020